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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,782	03/22/2001	Koichi Otake	205086US2S	3042

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EXAMINER

TU, CHRISTINE TRINH LE

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 10/05/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,782

Applicant(s)

OTAKE ET AL.

Examiner

Christine T. Tu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 6, 9, 17, 22, 25, 35 and 36 is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 8, 10-16, 18-21, 23, 24 and 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 6, 8 and 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

1. Figures 7, 8 and 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 2-5, 7-8, 10-16, 18-21, 23-24, 26-29, 32, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2:

At line 11, it is not clear what letter "Q" stands for.

Claim 3:

At line 16, the multiple sign "X" should be replaced with a plus "+" sign due to that the previous phrase "... of (M X (N + P)) bytes ..." is being recited.

Claim 7:

At line 11, it is not clear what letter "Q" stands for.

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Claim 8:

At line 5, the abbreviation “EDC” should be replaced with “ECC” since it stands for error-correcting code as claimed at line 5.

Claim 10:

At line 12, it is not clear what letter “Q” stands for.

Claim 12:

At line 3, the use of parenthesis “()” should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

Claim 13:

At lines 5, the use of parenthesis “()” [twice] should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

Claim 18:

At line 13, it is not clear what letter “Q” stands for.

Claim 19:

At line 7, the use of parenthesis “()” should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

At line 16, the multiple sign “X” should be replaced with a plus “+” sign due to that the previous phrase “... of (M X (N + P)) bytes ...” is being recited.

Claim 23:

At line 13, it is not clear what letter “Q” stands for.

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Claim 24:

At line 5, the abbreviation “EDC” should be replaced with “ECC” since it stands for error-correcting code as claimed at line 5.

Claim 26:

At line 13, it is not clear what letter “Q” stands for.

Claim 28:

At line 3, the use of parenthesis “()” should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

Claim 29:

At lines 5, the use of parenthesis “()” should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

At lines 6, the use of parenthesis “()” should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

Claim 32:

At line 4, the use of parenthesis “()” should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

At lines 7-14, the phrase “memorizing information on the memory area in said buffer memory where the data in which an error was sensed is stored ...” cannot be understood. It is not clear how to determine whether or not the stored data (in the buffer memory) is sensed with an error. This is because NO data is being read out from the buffer memory is being recited (at lines 3-4).

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Claim 33:

At line 4, the use of parenthesis "()" should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

Claim 34:

At line 4, the use of parenthesis "()" should be avoided because it is not clear whether any limitation within the parenthesis is actually being claimed.

Claims 4-5, 11, 14-16, 20-21 and 27:

These claims are rejected because they depend on claims 2-3, 7, 10, 18-19 and 26 and contain the same problems of indefiniteness.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Sebastian et al (6,718,506 and Sebastian hereinafter).

Claim 30:

Sebastian teaches (figure 1, 3 and 4) that a DVD error correction engine includes a PI engine (12) for generating check bytes PI in corresponding to 172 bytes of raw data in DVD encoder operation. The generated check bytes are appended and the whole data (with 182 bytes) are sent to DRAM (10). Sequential rows of data are then applied to PI engine (12). The PI engine (12) corrects rows of data based on the PI parity code (column 4 lines 58-65, column 2 lines 28-38).

Claim 31:

Sebastian teaches that DVD data in an ECC block of (208 rows X 182 columns). There are 10 check bytes of PI for each row. Therefore, 10 columns of the 182 are dedicated to check bytes. Similarly, 16 rows of PO are being interleaved with 192 data rows (column 1 lines 10-18). Sequential rows of data are then applied to PI engine (12). The PI engine (12) corrects rows of data based on the PI parity code (column 4 lines 58-65, column 2 lines 28-38).


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine T. Tu whose telephone number is (703)305-9689. The examiner can normally be reached on Mon-Thur. 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703)305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christine T. Tu
Primary Examiner
Art Unit 2133

September 28, 2004